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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,593	06/27/2003	Michael D. Kotzin	CS22154RL/10-157	8434
51874 7590 10/08/2008 LAW OFFICES OF CHARLES W. BETHARDS, LLP P.O. BOX 1622 COLLEYVILLE, TX 76034				
EXAMINER				
NGUYEN, DAVID Q				
ART UNIT		PAPER NUMBER		
2617				
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10/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,593

Applicant(s)

KOTZIN, MICHAEL D.

Examiner

DAVID Q. NGUYEN

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 11-21 and 28-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 07/09/08 have been fully considered but they are not persuasive.

Applicant argues that Stubbs does not disclose a control message corresponding to a keypad activation.

Examiner disagrees. "A control message" as claimed in claim 1 is very broad. Examiner interprets "a control message" as claimed is as "setting up a call for a particular call group by depression of the PTT button after selection of a call group from a list of call groups" as disclosed by Stubbs (see col. 8, lines 34-40). Therefore, Stubbs discloses a control message corresponding to a keypad activation.

Applicant also argues Stubbs does not providing keypad data corresponding to the keypad activation responsive to the control message as claimed.

Examiner disagrees. "providing keypad data corresponding to the keypad activation responsive to the control message" is interpreted as "if the set up confirmation message is received from the packet handler 48 within the time out, the mobile station 8 provides an audio or visual indication to the user that a virtual connection has been established. The mobile station places the call group ID selected by the user in a current call record" disclosed by Stubbs (see col. 8, lines 50-55). Therefore, Stubbs discloses providing keypad data corresponding to the keypad activation responsive to the control message as claimed.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Stubbs (US 6,930,994 B1).

Regarding claim 1, Stubbs discloses a method of controlling an electronic device, the method comprising: receiving a control message that corresponds to a keypad activation (see col. 8, lines 34-40 and fig. 7); providing, responsive to the control message, keypad data corresponding to the keypad activation (see col. 8, lines 40-45 and col. 8, lines 50-55 and fig. 7); and controlling the electronic device according to the keypad data (see col. 8, lines 56-63 and fig. 7).

Regarding claim 22, Stubbs discloses a system for controlling a communications unit, the system comprising: a controller further comprising a processor and a memory (see col. 8, lines 34-40 and fig. 7); the processor for interpreting a control message that corresponds to one or more keypad activations to provide keypad data (see col. 8, lines 34-45 and fig. 7); and a keypad buffer for storing the keypad data (see col. 8, lines 34-63 and fig. 7); wherein the processor executes software instructions stored in the memory to control the communication unit according to the keypad data (see col. 8, lines 56-63 and fig. 7).

Regarding claims 2-6 and 23-25, Stubbs discloses wherein the receiving the control message further comprises receiving the control message from one of an application internal to

the electronic device and a remote control agent (see col. 8, lines 34-63 and fig. 7); wherein the providing keypad data further comprises converting the control message to the keypad data (see col. 8, lines 34-63 and fig. 7); wherein the controlling the electronic device according to the keypad data further comprises obtaining a confirmation from a user of the electronic device prior to the controlling according to the keypad data (see col. 8, lines 34-63 and fig. 7); wherein the obtaining the confirmation depends on the keypad data(see col. 8, lines 34-63 and fig. 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-10 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stubbs (US 6,930,994 B1) in view of Sobue (US 2002/0131563 A1).

Regarding claims 7-10 and 26-27, Stubbs does not disclose sending voiced instructions to a remote agent and wherein the control message is received from the remote agent and is responsive to the sending the voiced instructions; wherein the control message corresponds to one or more keypad activations that correspond to a conversion of the voiced instructions by the remote agent; wherein the voiced instructions is a request to modify contents of a memory of the electronic device and the control message further corresponds to keypad activations for modifying the contents according to the voiced instructions; wherein the electronic device is a communications unit and the voiced instructions corresponds to one of dialing a number, looking up a number in a phone book associated with the communications unit, and sending a text

message; wherein the control message results in a change in one of an operation, a parameter setting, and a database within the electronic device. However, Sobue teaches sending voiced instructions to a remote agent and wherein the control message is received from the remote agent and is responsive to the sending the voiced instructions; wherein the control message corresponds to one or more keypad activations that correspond to a conversion of the voiced instructions by the remote agent; wherein the voiced instructions is a request to modify contents of a memory of the electronic device and the control message further corresponds to keypad activations for modifying the contents according to the voiced instructions; wherein the electronic device is a communications unit and the voiced instructions corresponds to one of dialing a number, looking up a number in a phone book associated with the communications unit, and sending a text message; wherein the control message results in a change in one of an operation, a parameter setting, and a database within the electronic device (see fig. 2 and pars. 0032-0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Sobue to Stubbsso that it is possible to make a hands-free telephone call from the cellular telephone.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Q. NGUYEN whose telephone number is (571)272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bost Dwayne can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Q Nguyen/
Primary Examiner, Art Unit 2617

